Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

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PAGE 01 USBERL 00852 122312Z
ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
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R 121615Z APR 78
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TO SECSTATE WASHDC 6617
AMEMBASSY BONN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L USBERLIN 0852

E.O. 11652: GDS
TAGS: PGOV, EEC, BQG, AKB
SUBJECT: SOVIET REMARKS ON FRG DRAFT LEGISLATION ON DIRECT
ELECTIONS TO THE EUROPEAN PARLIAMENT

REF: (A) BERLIN 2492, (B) SURENA-STRAUB LETTER OF 10 APRIL 1978

1. IN GENERAL CONVERSATION AFTER COMPLETING SPECIFIC BUSINESS APRIL 10, SOVIET FIRST SECRETARY TYUTYUNOV SAID THE SOVIETS AND "NOT JUST THE EMBASSY" ARE VERY CONCERNED ABOUT FRG DRAFT LEGISLATION ON DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT (EP). THE DRAFT LEGISLATION ITSELF CONTAINS AN EXPRESS PROVISION WHICH RELATES SOLELY TO BERLIN AND DESCRIBES WHAT BERLINERS MAY OR MAY NOT DO. IN OTHER WORDS, TYUTYUNOV ADDED, IT IS NOT A CASE OF EXTENDING A PIECE OF FRG LEGISLATION TO BERLIN BUT RATHER A CASE IN WHICH THE FRG IS PURPORTING TO LEGISLATE DIRECTLY FOR BERLIN.

2. WE NOTE THAT THE NEUES DEUTSCHLAND ARTICLE OF APRIL 11 REPORTED IN REFTEL TOUCHES ON THIS POINT IN ITS ARGUMENT THAT:
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PAGE 02 USBERL 00852 122312Z

...THE RECENTLY PROMULGATED LAW OF THE FRG ON THE CONDUCT OF THE ELECTIONS TO THE 'EUROPEAN PARLIAMENT' WHICH WILL BE EXTENDED TO WEST BERLIN AND WHICH CONTAINS PROVISIONS ON THE BASIS OF WHICH THE FRG SHALL EXERCISE IMMEDIATE LEGISLATIVE POWER OVER WEST BERLIN, (CONSTITUTES) A VIOLATION OF THE CLEAR DETERMINATIONS OF THE QUADRIPARTITE AGREEMENT."

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

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3. COMMENT: IF FRG LEGISLATION IS TO TREAT THE QUES-
TION OF SELECTION OF BERLIN REPRESENTATIVES TO THE EP
(AS EVIDENTLY THE FRG WISHES IT DO), THE LEGISLATION
MUST HAVE A PROVISION DEALING EXPRESSLY WITH BERLIN.
THIS IS BECAUSE THE ALLIED KOMMANDATURA (AK) BY BK/O(77)8
HAS ALREADY MADE KNOWN THAT BERLIN REPRESENTATIVES TO
THE EP WILL NOT BE ELECTED BY THE POPULACE AS WILL
BE OTHER GERMAN REPRESENTATIVES TO THE EP BUT WILL BE
SELECTED BY THE BERLIN HOUSE OF REPRESENTATIVES. THUS
THE SOVIET ARGUMENT IS SOMEWHAT SPECIOUS. IN OUR VIEW
THE FRG LEGISLATION SHOULD NOT BE REGARDED AS DIRECTING
BERLIN AUTHORITIES; RATHER, THE LEGISLATION SHOULD

MERELY BE A RECAPITULATION OF THE AK PRONOUNCEMENT. IT
IS FOR THIS REASON THAT USBER CONSIDERS THAT THE FRG
PROVISION ON BERLIN (ARTICLE 29) IN THE DRAFT EUROPA-
WAHLGESETZ (THE FRG DRAFT LEGISLATION IN QUESTION)
SHOULD CONFORM TO THE LANGUAGE OF BK/O (77)8. THE
CURRENT GLARING POINT OF NON-CONFORMITY IS THAT ARTICLE
29 STATES THAT BERLIN REPRESENTATIVES TO THE EP WILL
BE ELECTED (GEWAEHLT) BY THE BERLIN HOUSE OF REPRE-
SENTATIVES RATHER THAN SELECTED (AUSGEWAEHLT) AS OR-
DAINED IN BK/O (77)8. THE SOVIETS HAVE TIPPED THEIR
HAND THAT ARTICLE 29 WILL BE ONE POINT OF FORMAL CONTRO-
VERSY ON THE GENERAL SUBJECT OF ELECTIONS TO THE EP.
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PAGE 03 USBERL 00852 122312Z

FOR REASONS MORE FULLY EXPOSED IN REF B, USBER BE-
LIEVES ARTICLE 29 SHOULD BE REVISED BY FRG TO CONFORM
TO BK/O (77)8. GEORGE

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